

MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board of Nevada was held on Saturday, February 24, 2007 in Room 4500 of the Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101.

The following Board members were present for the roll call at 1:00 PM:

Stephanie Youngblood, DC, President
Margaret Colucci, DC, Vice President
Richard McCann, J.D., Consumer Member
Donald Miner, DC, Member
Curtis Potts, DC, Member

Dr. Youngblood determined that a quorum was present and called the meeting to order. Also present were Deputy Attorneys General David Newton and Richard Dreitzer and CPBN Executive Director Cindy Wade.

Dr. Don Miner led those present in the Pledge of Allegiance.

Dr. Youngblood noted for the record that Dr. Ian Yamane was present

Agenda Item 1 APPROVAL OF AGENDA

Dr. Miner moved for approval of the agenda. Dr. Colucci seconded and the motion passed unanimously.

Agenda Item 2 PUBLIC INTEREST COMMENTS (No Action)

Dr. Larry Holt asked that the Board address his concerns that the fact that he has a prior Agreed Settlement has been made public. Dr. Miner moved that because this matter was not on the agenda the Board cannot take action and it needs to be placed on the agenda of the next meeting. Dr. Yamane seconded the motion and it passed unanimously.

Agenda Item 3 APPROVAL OF PREVIOUS MINUTES: January 27, 2007

Dr. Colucci moved to approve the minutes of the January 27, 2007 meeting. Dr. Potts seconded and the motion passed unanimously.

Agenda Item 4 DISCUSSION/APPROVAL OF BOARD FINANCIAL REPORTS:

- A. Bank balance as of February 15, 2007**
- B. Income/Expense Report: July 1, 2006 through February 15, 2007**
- C. Accounts Receivable as of February 15, 2007**
- E. Accounts Payable as of February 15, 2007**
- F. Extraordinary Items/Items of Concern**

Dr. Miner moved for approval of the Board Financial Reports. Dr. Yamane seconded the motion and it passed unanimously.

Agenda Item 5 DISCUSSION/APPROVAL OF Executive Director reports:

- A Status of Complaints Received**
- B. Status of Current Probations**
- C. Legal/Investigatory:**
 - 1. Costs assessed since last report**
 - 2. Costs assessed year-to-date**
 - 3. Costs collected since last report**
 - 4. Costs collected year-to-date**

Dr. Youngblood presented attorney Elizabeth Foley's report on the current status of complaints. Dr. Miner requested a report from Ms. Foley of estimated costs for her cases. Cindy Wade passed out an updated Legal/Investigatory report with a comparison of current fiscal year-to-date costs to last fiscal year's year-to-date costs. Dr. Miner noted that Dr. Tenney's compliance monitor's latest report mentions some deficiencies that should be addressed. This will be handled by Mr. Newton.

Dr. Miner made a motion to approve April 13-14, 2007 and May 11-12, 2007 for upcoming Board meetings and hearings. Dr. Potts seconded and the motion passed unanimously. Dr. Potts moved for approval of the Executive Director reports. Dr. Colucci seconded the motion and it passed unanimously.

CONSENT CALENDAR

Dr. Miner moved to approve the Consent Calendar items:

Agenda Item 6 Granting of Doctor of Chiropractic licenses to those who passed the February 14, 2007 examination.

Agenda Item 7 Granting of Chiropractor's Assistant certificates to those who passed the February 2 and 16, 2007 examinations.

Agenda Item 8 Granting of Chiropractor's Assistant for Massage certificates to those who passed the February 2 and 16, 2007 examinations.

Dr. Colucci seconded the motion and it passed unanimously.

ADMINISTRATIVE AGENDA

Agenda Item 9 Discussion/possible action re: request for continuance in the matter of Todd Dreitzler, DC.

Dr. Miner moved to continue the Todd Dreitzler, DC, matter until April 13-14, 2007. Dr. Potts seconded and the motion passed unanimously.

Agenda Item 10 Discussion/possible action re: request for continuance in the matter of Aaron Fust, DC, and Kenneth Fust, DC.

Dr. Miner moved to continue the Aaron Fust, DC, and Kenneth Fust, DC, matter until April 13-14, 2007. Dr. Potts seconded and the motion passed unanimously.

Agenda Item 11 Discussion/possible action re: reconsideration of Board's decision to approve June 17, 2006 Stipulation of Facts and Liability in the Matter of the Complaint against Peter Darvas, DC, and potential referral of attorney misconduct to State Bar of Nevada.

Peter Darvas, DC, was present and waived his right to the attorney-client privilege. Deputy Attorney General Richard Dreitzer provided the background relevant to this matter. Dr. Darvas testified with respect to his position in this matter. Attorney Brent Harsh was present telephonically. He invoked his right to close the meeting. Dr. Miner moved to go into closed session pursuant to NRS 241.030 and NRS 241.031. Dr. Youngblood seconded the motion and it passed unanimously.

When the meeting reopened, Dr. Potts moved that Mr. Harsh be referred to the Nevada State Bar for attorney misconduct. Dr. Yamane seconded the motion and it passed unanimously. Dr. Yamane moved for reconsideration of the Board's June 17, 2006 decision in the Darvas matter. Dr. Potts seconded. The motion passed with all in favor except Dr. Miner who recused himself because he was the investigating Board member in the Darvas matter. After further discussion, this action was tabled until Mr. Newton can research the quorum issue because a quorum of the Board members who voted in the June 17, 2006 decision was not present for the current action.

Agenda Item 13 Discussion/possible action re: approval of application for Doctor of Chiropractic license of Richard I. Monoson, DC.

Richard I. Monoson, DC, was present. The requirements for approval of his application were discussed. Dr. Yamane moved for denial of Dr. Monoson's application based on the statute that requires good standing from the California Board. Dr. Miner seconded and the motion passed unanimously.

Agenda Item 14 Discussion/possible action regarding appeal of denial of Application for Licensure by DC applicant Casey D. Robinson.

Casey D. Robinson, DC, was present. The requirements for approval of his application were discussed. Dr. Miner moved for denial of Dr. Robinson's application. Dr. Yamane seconded and the motion passed unanimously. Dr. Robinson was advised that he must provide certification of good standing from California to complete his application.

Agenda Item 16 Discussion/possible action regarding request from Dr. Mark Rubin's attorney for extension of time and change of location for Dr. Rubin to sit for Law test.

Dr. Miner moved that Dr. Rubin's request be denied. Dr. Yamane seconded the motion and it passed unanimously.

Agenda Item 12 Discussion/possible action re: proposed Agreed Settlement in the Matter of Complaint 07-01, Craig Roelofs, DC.

The proposed Agreed Settlement was reviewed. Dr. Yamane moved to approve the Agreed Settlement. Dr. Potts seconded and the motion passed unanimously.

Agenda Item 15 Discussion/possible action regarding anonymous profiles of possible disciplinary action. Board action will be limited to either dismissing the matter if the Board determines it has no jurisdiction over the subject or providing direction to pursue the matter further: Complaint 06-28 (Yamane)

Dr. Yamane explained that the person who filed Complaint 06-28 was treated for auto accident injuries and claims that the doctor forged his signature on the lien and that he should have billed his worker's comp carrier for the outstanding balances. This appears to be a billing dispute and the forgery issue would be a civil matter. The patient did sign a financial responsibility statement which makes a lien irrelevant. Dr. Miner moved to dismiss the complaint. Dr. Youngblood seconded the motion and it passed unanimously.

Agenda Item 17 Discussion/possible action re: inquiry from Dean Ward, DC, as to use by chiropractors of low pressure hyperbaric therapy.

Following discussion, Dr. Potts moved that Dr. Ward should be advised that a chiropractor may utilize hyperbaric therapy with no consequences from this Board. Dr. Yamane seconded the motion and it passed unanimously.

NON-ACTION ITEMS:

Agenda Item 18 Report by Cindy Wade on FARB Forum.

Cindy gave a brief oral report supplemental to her written outline and expressed her appreciation for the opportunity to attend the Forum.

Agenda Item 19 Committee Reports.

Under the Test Committee report, August 24, 2007 was established for the next date for Chiropractor's Assistant examinations.

There were no other committee reports.

Agenda Item 20 Correspondence Report.

There was no comment with respect to a letter from the Nevada Attorney General regarding availability of legal opinions from the Attorney General, a letter from Paul V. Townsend, CPA, Legislative Auditor for the Legislative Counsel Bureau regarding travel expenditures and a notice from GLSuite regarding their User Conference.

Agenda Item 21 Board Member Comments.

There were no Board Member comments.

Agenda Item 22 Public Comment.

There was no public comment.

Agenda Item 23 Adjournment.

Dr. Potts moved to adjourn the meeting. Dr. Colucci seconded and the motion passed unanimously.

Approved: March 23, 2007

Ian K. Yamane, DC, Secretary